

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ALABAMA MUNICIPAL)	
INSURANCE CORPORATION, a)	
non-profit corporation,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:20cv300-MHT
)	(WO)
MUNICH REINSURANCE)	
AMERICA, INC., a foreign)	
corporation,)	
)	
Defendant.)	

ORDER

This case comes before the court on plaintiff Alabama Municipal Insurance Corporation (AMIC)'s motion for an extension of time to respond to defendant Munich Reinsurance America, Inc. (Munich Re)'s motion for summary judgment and to Munich Re's *Daubert* motion to exclude the expert testimony of two of AMIC's witnesses. AMIC's responses to these motions, as well as Munich Re's responses to AMIC's *Daubert* motions, are currently due by July 12, 2022, with the motions currently set for submission on July 26, 2022. See Order (Doc. 100). The court initially granted AMIC

five weeks to respond to Munich Re's motion for summary judgment (Doc. 86) and *Daubert* motion (Doc. 82) because of the unusually lengthy brief in support of the motion for summary judgment, which is 146 pages long, the extremely large volume of evidence submitted in support of the motion, and the need to respond to both motions at the same time. AMIC requests an extension of two weeks or, alternatively, one week for those responses. See Pl.'s Mot. for Extension of Time (Doc. 101) at 5; Pl.'s Reply in Support of Mot. for Extension of Time (Doc. 106) at 4. Munich Re opposes AMIC's motion. For the reasons that follow, the court will grant AMIC's motion in part.

"When an act may or must be done within a specified time, the court may, for good cause, extend the time ... with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." Fed. R. Civ. P. 6(b)(1)(A). "Except in certain enumerated cases [not applicable here], the rule gives the court extensive flexibility

to modify the fixed time periods found throughout the rules” 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (4th ed. 2022). The Eleventh Circuit Court of Appeals has analogized the “good cause” standard in Rule 6(b)(1)(A) to that of Rule 16(b)(4), which requires a showing by the moving party that, “‘despite its diligence,’ the party cannot meet the deadline.” *Watts v. Club Madonna, Inc.*, 784 F. App’x 684, 687 (11th Cir. 2019) (per curiam) (alteration omitted) (quoting *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998)).

AMIC asserts several grounds for an extension in its motion and reply, including the length of Munich Re’s motion for summary judgment, the recent withdrawal of one of AMIC’s attorneys from the case, and the World Games in Birmingham, Alabama, in mid-July. Munich Re responds that the current deadline of July 12, 2022, already gives AMIC five weeks to file its response and that AMIC should be familiar with most of the exhibits relied upon in the summary-judgment motion. Munich Re

further argues that the extension requested by AMIC will impose scheduling conflicts on its attorneys and that the World Games do not constitute a valid reason.

Based on the parties' arguments, the length of the factual record, and the extent of the motion for summary judgment, which addresses each of the five remaining claims asserted by AMIC and six counterclaims asserted by Munich Re, the court finds good cause to grant a one-week extension of the time in which to respond to the pending summary-judgment motion and *Daubert* motions. This extension will apply to all responses currently set for submission on August 2, 2022, by the court's June 14, 2022, order (Doc. 100). In the interest of fairness, the court will also extend the deadline for replies to three weeks. The submission dates and reply deadlines will be reset accordingly.

* * *

Accordingly, it is ORDERED that:

(1) Plaintiff Alabama Municipal Insurance

Corporation's motion for an extension of time to respond to defendant Munich Reinsurance America, Inc.'s motion for summary judgment (Doc. 101) is granted in part.

(2) The motion to exclude the expert testimony of Will Hill Tankersley, Jr. and David Sikes (Doc. 82), the motion in limine to exclude the opinions of defendant's expert U.W. Clemon (Doc. 83), the motion in limine to exclude the opinions of defendant's experts Thomas M. Daly & Paul C. Thomson, III (Doc. 84), and the motion for summary judgment (Doc. 86) are reset for submission on August 9, 2022, with any opposition briefs and evidentiary materials due by July 19, 2022, and any replies to the opposition due by August 9, 2022. The court will set oral argument after reviewing the completed briefing.

DONE, this the 28th day of June, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE